

**REMARKS**

Upon entry of this amendment, claims 3, 4, 12 and 18-28 are all the claims pending in the application. New Claims 18-28 have been added. No new matter has been added.

**I. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 3, 4, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Soumiya et al. (U.S. Patent No. 5,696,764) in view of Ichikawa (U.S. Patent No. 6,301,253). Applicant respectfully traverses this rejection on the following basis.

Independent claim 4 recites the feature of a data processing device capable of adding and storing new data regarding at least one of a new service category and a new QOS class. The Examiner recognizes that Soumiya does not teach or suggest this feature of claim 4. In an attempt to cure this deficiency, the Examiner applies Ichikawa and asserts that Ichikawa teaches such a feature. Applicant respectfully disagrees.

Ichikawa discloses a plurality of queues 110 having three QOS classes which are designated as QOS #1, QOS #2 and QOS #3 (see col. 8, lines 1-2). Ichikawa discloses the ability to assign each QOS class a different delay quality depending on the priority desired for the respective QOS class (see col. 8, lines 16-24). The delay qualities that are assigned to the QOS classes, however, are only assigned to one of QOS #1, QOS #2 or QOS #3 (see col. 8, lines 16-24). That is, the delay qualities are assigned to an existing QOS class, not a new QOS class.

Thus, contrary to the assertion of the Examiner, Ichikawa does not teach a device capable of adding and storing new data regarding a new service category or a new QOS class, as is

recited in claim 4. Rather, as discussed above, Ichikawa merely teaches the ability to assign a delay quality to an existing QOS class (i.e., one of QOS #1, QOS #2 or QOS #3).

Therefore, as neither Soumiya nor Ichikawa teaches the feature of storing data regarding at least a new service category or new QOS class, Applicant respectfully requests that the rejection of claim 4 be reconsidered and withdrawn. Claims 3 and 12 depend from claim 4. Accordingly, Applicant submits that claims 3 and 12 are patentable at least by virtue of their dependency

## **II. New Claims**

Claims 18-28 are added as new claims. Applicant submits that claims 18-28 patentably distinguish over the cited prior art based on the combination of features recited therein.

## **III. Conclusion**


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Submitted herewith is a Petition For Extension of Time with fee.

Amendment Under 37.C.F.R. § 1.111  
U.S. Application No.: 09/313,079

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

  
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